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OFFICE OF PETITIONS

In re Application of :
Bear, et al. :
Application No. 10/655,872 : ON PETITION
Filed: September 5, 2003 :
Attorney Docket No. 0492611- :
0512 (MIT9984) :

This is a decision on the papers styled, "Petition," filed on March 7, 2005, which has been treated as a Petition under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of September 5, 2003, including Figures 1-5 described in the specification.

The application was filed on September 5, 2003. However, on February 17, 2005, the Office of Initial Patent Examination (OIPE) mailed a "Notice To File Missing Parts of Nonprovisional Application" (Notice) that stated the application had been accorded a filing date, but Figures 1-5 described in the specification appear to have been omitted.

In response, on March 7, 2005 the instant petition and twenty-six (26) sheets of drawings (which include Figures 1-5) were submitted. The papers were accompanied by a copy of applicant's postcard receipt that acknowledges receipt of "26 sheets of drawings" on September 5, 2003. A review of the application file indicates the presence of only twenty-one (21) sheets of drawings originally filed on September 5, 2003, with the five sheets that contain Figures 1-5 missing. It is assumed that the missing sheets of drawings containing Figures 1-5 were misplaced by the Office.

In view of the above, the petition is granted.

The \$400.00 petition fee will be refunded to deposit account no. 03-1721.

This application will be returned to OIPE for processing with a filing date of September 5, 2003, using the sheets of drawings, containing Figures 1-5, that were submitted with the petition on September 5, 2003.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3228.

A handwritten signature in dark ink, appearing to read 'EJ Tannouse', followed by a horizontal line.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
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